

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
NOVEMBER 25, 2003

Draft

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Also present were Commissioners Sauls, Thael, Winchester, Rackleff, Proctor, and Maloy. Also present were County Administrator Alam, County Attorney Herb Thiele, Deputy Clerk Bill Bogan, Jr. and Secretary Sandra C. O'Neal.

Invocation was provided by Dr. Jake Till, Fort Braden Pentecostal Holiness Church at the invitation of Commissioner Sauls. It was followed by the Pledge of Allegiance to the Flag.

Commendations

- a. Chairman Grippa asked all to stand and bow their heads in reflection of Florida National Guardsmen Robert Wise from Tallahassee who was killed in the war of Iraq; he was buried in Arlington Cemetery yesterday. The Board also paid their respect to Spurgeon Camp, long time resident of Tallahassee who recently passed away. Mr. Camp was a leader in the community, a WW II Marine and an Air Force Veteran.
- b. Chairman Grippa thanked his family for their support during the past year during his Chairmanship. He made special mention to his staff at FWCIPA and his Aide, Erin Vansickle, for their patience and hard work over the year. He also wished "Happy Birthday" to Ms. Vansickle. Chairman Grippa reflected on the Board's successes during his time as Chairman and mentioned some of the issues:
 - Property tax exemption and grant program for active military personnel
 - No increase in property taxes
 - County Emergency Services (EMS)
 - Commitment to address flooding problems
 - Addressed the septic tank problems in Killearn Lakes
 - Elimination of the Fire MSTU

REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

The gavel was turned over to the Honorable Charles Francis, Chief Judge, who presided over the reorganization of the Board of County Commissioners. Judge Francis called for nominations for Chairman of the Board of County Commissioners of Leon County, Florida.

Commissioner Proctor moved and was duly seconded by Commissioner Thael to nominate Commissioner Jane Sauls as Chairperson of the Board of County

Commissioners of Leon County, Florida for year 2003-2004. Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to close nominations on the floor. The motion carried unanimously, 7/0.

Honorable Judge Francis administered the Oath of Office to newly elected Chairperson Jane Sauls.

The gavel was passed to Chairperson Jane Sauls who called for nominations for Vice –Chairman of the Board of County Commissioners of Leon County, Florida.

Commissioner Grippa moved and was duly seconded by Commissioner Rackleff to nominate Commissioner Thael as Vice-Chairman of the Board of County Commissioners of Leon County, Florida for year 2003-2004. Commissioner Rackleff moved and was duly seconded by Commissioner Grippa to close the nominations on the floor. The motion carried unanimously, 7/0.

Chairperson Sauls presented a plaque to Commissioner Grippa in appreciation of his vision, leadership, and action during his chairmanship over the past year. Other Commissioners presented gifts to him and reflected over the past year.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 7/0, to move the public hearing from 6:00 p.m. to 6:30 p.m.

Chairperson Sauls thanked the Board, County staff, her family, and friends for their support throughout the past year. She also presented some of her goals in the upcoming year:

- First rate EMS Operation
- Opening of the Fort Braden Library
- Focus on a community and youth center for Woodville
- Resolve pollution problems from Cairo, Georgia
- Develop a program to repair private dirt roads to ensure that buses, emergency vehicles, and residents can traverse them

Chairperson Sauls invited everyone for refreshments in the lobby during the recess. The Board recessed at 5:56 p.m. and reconvened at 6:34 p.m.

The Board then entered Public Hearing, Item 20.

CONSENT AGENDA

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 5/0 (Commissioners Winchester and Proctor were out of Chambers), to approve the following Consent Agenda with the exception of Item 14, which was addressed as described:

1. APPROVAL OF MINUTES

The Board approved Option 1: Approve the Minutes for September 4, 2003 District 3 Community Meeting.

2. APPROVAL OF BILLS AND VOUCHERS

The Board approved Option 1: bills and vouchers: \$6,292,777.17

3. ACCEPTANCE OF FY 2002-2003 ANNUAL PERFORMANCE AND FINANCIAL REPORT

The Board approved Option 1: Accept the FY 2002-2003 Annual Performance and Financial Report.

4. APPROVAL OF CONTRACT ADDENDUMS TO BE EXECUTED FOR MID-YEAR FUNDING AGREEMENTS APPROVED DURING FY 2002-2003

The Board approved Option 1: Approve the Addendum to the mid-year funding agreements, extending the contract as requested by Bethel Towers, Kids Incorporated, ECHO Bethany Apartments, Workforce Plus, Suwannee River Area Council Boy Scouts of America, and The Ounce of Prevention Fund of Florida.

5. AUTHORIZATION TO CARRY FORWARD ADDITIONAL FY 2002-2003 APPROPRIATIONS AND BUDGET ADJUSTMENTS

The Board approved Options 1 and 2: 1) Approve the additional carry forwards of Fiscal Year 2002-2003 appropriations to the FY 2003-2004 budget and approval associated resolutions and budget amendment; 2) Approve year end FY 2002-2003 budget amendment and resolution:

6. APPROVAL OF REVISIONS TO THE ADMINISTRATIVE LAW JUDGE SERVICES' CONTRACT BETWEEN LEON COUNTY AND THE DIVISION OF ADMINISTRATIVE HEARINGS (DOAH)

The Board approved Option 1: Approve the revised contract, Contact No. C-015.

7. ACCEPTANCE OF FY 2002-2003 THIRD QUARTER STATUS REPORT ON BOARD RETREAT PRIORITY ACTION PLANS

The Board approved Option 1: Accept the Third Quarter Status Report on 2003 Board Retreat Priorities and Administrative Issues.

8. ADOPTION OF THE PUBLIC NOTICE 2004 TENTATIVE SCHEDULE AND CITIZENS COMMITTEES, BOARDS AND AUTHORITIES 2004 TERM EXPIRATIONS AND VACANCIES LIST

The Board approved Options 1 and 2:

- 1) Adopt the Public Notice 2004 Tentative Schedule and the Citizens Committees, Boards and authorities 2004 Term Expirations and vacancies listing;
- 2) Schedule the 2004/05 Board Retreat for December 13, 2004 from 8:30 – 4:30 p.m.

9. ACCEPTANCE OF A \$5,000 *LIVE @ YOUR LIBRARY* GRANT AWARD FROM THE AMERICAN LIBRARY ASSOCIATION

The Board approved Option 1: Accept the \$5,000 Live @ Your Library Grant from the American Library Association.

10. ADOPTION OF A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION FOR THE ADDITION OF THREE TRACTS OF LAND (APPROXIMATELY 25 ACRES) TO THE EXISTING TALLAHASSEE/LEON COUNTY ENTERPRISE ZONE

The Board approved Option #1. Adopt the proposed Resolution R03-71 authorizing the submittal of an application for the addition of three tracts of land to the Tallahassee/Leon County Enterprise Zone and authorize the Chairman to execute:

11. AUTHORIZATION TO THE ENTRPRISE ZONE DEVELOPMENT AGENCY (EZDA) TO SEEK LEGISLATIVE AUTHORITY TO REVISE THE BOUNDARIES OF THE TALLAHASSEE/LEON COUNTY ENTERPRISE ZONE

The Board approved Option 1: Authorize the Enterprise Zone Development Agency to seek legislative authority for revisions to the Tallahassee/Leon County Enterprise Zone boundary.

12. APPROVAL OF PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE PROVIDING FOR A DESIGNEE FOR THE PLANNING DEPARTMENT DIRECTOR ON THE ARCHITECTURAL REVIEW BOARD

The Board approved Option 1: Authorize the Planning Department staff to initiate an amendment to the Leon County Land Development Code to provide for a designee for the Planning Department Director on the Architectural Review Board.

13. Approval of a Bid Award to Bass Construction Company for Americans with Disabilities Act (ADA) Modifications to the Leon County Courthouse

The Board approved Option 1: Approve the bid award to Bass Construction Company for Americans with Disabilities Act (ADA) Modifications to the Leon County Courthouse in the amount of \$476,010 and authorize the Chairman to execute the agreement.

14. Acceptance of Status Report on the Bradfordville Agreements

This item was pulled from Consent by Commissioner Grippa.

Commissioner Grippa advised that the Lake Caroline Homeowner's Association has proposed a broad settlement offer that could be brought to the Board at a public meeting or at a shade meeting.

Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to approve Option 1 with the addition as underlined: Accept the status report on the Bradfordville Settlement Agreements and to conduct a shade meeting with Lake Caroline Homeowners' Association to discuss a proposed settlement.

15. Approval to Amend Policy No. 03-01, Approval of Authority for the Acquisition, Disposition, and Leasing of Real Property

The Board approved Option 1: Adopt the amendments to Board Policy No. 03-01 for approval authority for the acquisition, disposition, and leasing of real property.

16. Approval to Amend the Enterprise Zone Interlocal Agreement Transferring the Administrative Duties from the Tallahassee-Leon County Planning Department to the Economic Development Council

The Board approved Option 1: Approve the amendment to the Enterprise Zone Interlocal Agreement between the City of Tallahassee and Leon County to allow the transfer of administrative duties for the Enterprise Zone (EZ) and the Enterprise Zone Development Agency (EZDA) from the Tallahassee-Leon County Planning Department to the Economic Development Council (EDC). No additional funding will be provided to the EDC for the remainder of FY 2004. Additional funding for a more aggressive marketing of the Enterprise Zone program may be considered as a part of the FY 2005 budget appropriation to the EDC.

General Business

17. Authorization for County Administrator to Extend Offers based on Appraisal Amounts to Owners in the South side Flooded Property Acquisition Program

Staff is requesting Board authorization for the County Administrator to pursue the acquisition of eight flood prone properties on the prioritization list for the Southside Flooded Property. County Administrator Alam distributed a priority list for the flooded property acquisition and explained that the first 13 properties would be offered to be purchased by the County. The remaining numbers 14 through 47 properties would then compete on a countywide basis for other flood acquisition programs. Staff has closed on two properties out of the first five that was approved and the other three properties have been offered; if the agenda item is approved tonight, then offers would be made on the remaining properties (numbers 6 through 13).

Commissioner Grippa moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0, (Commissioner Winchester was out of Chambers), to approve Option 1: Authorize the County Administrator to extend offers to the owners (1-13 on the list) in an amount equal to the appraised value for the properties as set forth above and execute any and all documents necessary to the acquisition of any parcel as set forth above. At the next Board meeting, the Board would discuss selling properties in order to buy more properties on the list. See attached list:

18. Reconsideration of Appointments to the Dorothy C. Spence Community Center Board of Directors

At the October 14, 2003 Board meeting, Ms. Dorothy Spence expressed concerns that about poor attendance at the Center's Board of Director's meetings and that without a quorum, the Board could not conduct business. Staff was instructed to bring back an updated attendance sheet.

Christine Coble, Agenda Coordinator, explained that the Bylaws specify that if a member misses two consecutive meetings, they could be removed from the board. Lillian Bennett, Assistant to the County Administrator, advised that some of the members who have missed meetings have advised that they wish to continue to serve and would be attending the meetings, but noted that there was a problem with notification of meetings. Mrs. Bennett noted that Commissioner's Maloy's appointment, T. J. James and Fran White were not interested in serving any longer, so they would need to be replaced.

Commissioner Thaelle asked if there was a process for notification to members of meetings. The Board discussed absences and noted that members have indicated that they have not received notification. Apparently there are regular scheduled meetings, but sometimes, the meetings have been changed and there was a problem with notification. The Board requested that staff assist in notification of the meetings.

Commissioner Grippa suggested that Commissioners who plan to keep their appointment should call them and let them know that attendance is very important.

Commissioner Sauls reaffirmed her appointment, Addie Hopkins.

Commissioner Thaelle reaffirmed his appointment, Gerald Schluck.

Commissioner Rackleff reaffirmed his appointment, Rob Mayewski.

Commissioner Proctor reaffirmed his appointment, Scott Matteo.

Commissioner Maloy continued his appointment.

Commissioner Winchester was out of the Chambers and his appointment would be continued.

19. Expirations, Vacancies, and Appointments to Committees

Architectural Review Board:

Commissioner Maloy moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to appoint Mr. Jimmy Williams.

Canopy Roads Citizens Committee

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to appoint Mr. Bill Pfeiffer to fill the vacancy left by Ms. Ann Bidlingmaier's ineligibility due to serving 2-full terms.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to approve the reappointment of Richard Buttergereit, Stan Chapman, Ron Davis, and Margot Ward-Illicken.

Community Development Block Grant Citizen's advisory Task Force

Commissioner Grippa reappointed Bill Mattice.
Commissioner Rackleff reappointed Jaimie Ross.

Housing Finance Authority

Commissioner Grippa reappointed Bill Mattice.
Commissioner Rackleff reappointed Jaimie Ross.

Growth and Environmental Management Citizens' User Group

Commissioners Sauls and Proctor continued their appointments.

Miccosukee Community Center Board of Directors

Commissioner Sauls reappointed Albert Green.
Commissioner Thaell reappointed Patricia Harold.

Parks and Recreation Advisory Team

Commissioners Maloy and Thaell continued their appointments.
Commissioner Proctor appointed Coach Bobby Lang.
Commissioner Thaell continued his appointment.

Woodville Recreation Council

Commissioner Maloy continued his appointment.
Commissioner Winchester was out of Chambers and his appointment was continued.

The Board then entered discussion regarding the Add-On Items

Scheduled Public Hearings, 6:00 p.m.

20. Continuation of the First and Only Public Hearing on Proposed Ordinance Administratively Amending the Leon County Code of Laws Pursuant to the

Recommendations of the Office of Management and Budget Review Concerning the County Administrator or Designee, Parking Standards Committee Designees, and Removing Reference to the Community Development Department

This item is the continuation of the first and only public hearing to adopt a proposed ordinance as recommended by the Office of Management and Budget in their May 22, 2003, "Review of the Site and Development Plan Process Report" and the subsequent reorganization of the Community Development Department. The proposed ordinance does the following:

- Amends Leon County Code of Laws, Chapter 10, Land Development Regulations and Chapter 14, Public Nuisances;
- Amends references to the Community Development Director and/or Growth Management Director or designee to the County Administrator or designee;
- Amends references concerning the Parking Standards Committee, allowing Committee members or designees;
- Amends references to the Department name from Community Development to Growth and Environmental Management (GEM).

Subsequent to a citizen filing a formal complaint regarding the GEM review of the Seminole Raceway Site and Development Plan, the County Administrator directed OMB to review the GEM site and development plan process. Amending the Leon County Code of Laws to reflect the administrative changes outlined in the OMB report and specified in the proposed ordinance will complete implementation of OMB's recommendations.

The following citizen appeared:

Mr. George E. Lewis, II, 203 N. Gadsden Street, #6, questioned the Board about Sections 6 and 7 and asked if it was the Board's intent to delete some definitions and if "delegation of authority" were going to be changed in the Zoning Code definitions. He urged the Board to include in the ordinance the requirement that all delegation of authority by the County Administrator be done in writing. County Attorney Thiele stated that Mr. Lewis's concerns have been addressed.

Commissioner Rackleff moved, duly seconded by Commissioner Grippa and carried unanimously, 7/0, to approve Option 1: Conduct the public hearing and adopt the proposed attached Leon County Ordinance Number 03-36, amending Leon County Code of Laws, Chapters 10 and 14, concerning the County Administrator or Designee, Parking Standards Committee designees, and removing reference to the Community Development Department as specified in the agenda item. See attached Ordinance No. 03-36:

21. Continuation of First of Two Public Hearings to Adopt a Proposed Revision to Leon County's Temporary Uses Regulations Regarding Temporary Events of Public Interest

This agenda item is the continuation of the first of two public hearings on a proposed ordinance revising the County's Temporary Uses Regulations as they relate to temporary events of public interest.

The following citizen appeared:

Mr. George E. Lewis, II, 203 N. Gadsden Street #6, appeared and indicated that the Board was broadening the area where temporary uses can be regulated. He was concerned that such events can be regulated without a standard and that it becomes an unlawful delegation of authority to the County Administrator. Mr. Lewis suggested inserting a size limit of less than 500 people in attendance so that small gatherings are not eliminated. He also indicated that there was a potential notice problem because the person sponsoring the event oftentimes has no idea how many people will attend.

The Board engaged in discussion about the ordinance allowing a temporary use permit for a specific parcel for the duration of up to six months and a maximum permit shall be 15 days each time, which could ultimately allow a temporary use for up to 90 days within one year. Commissioner Sauls suggested that the maximum number of permits issued for a specific parcel or parcels be changed to only four time per year (quarterly) rather than six times.

David McDevitt, GEM, responded to various inquiries.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1 with modification regarding the maximum number of permits issued for a specific parcel or parcels be changed to quarterly: Option 1 – Conduct the first of two public hearings (which was continued from November 18, 2003) to adopt a proposed ordinance, as amended, revising Chapter 10 of the Leon County Code of Laws on Temporary Uses Regulations for temporary public events and schedule the second and final public hearing on December 9, 2003.

22. First Public Hearing on a Proposed Ordinance Amending the Environmental Management Act for Tributary and Waterbody Buffers in the Lake Lafayette Special Development Zone

Pursuant to legal advertisement, the first public hearing was conducted to consider an ordinance amending the Environmental Management Act for Tributary and Waterbody buffers in the Lake Lafayette Special Development Zone (SDZ). The lake Lafayette Focus Group (LLFG) was in support of the draft ordinance.

Commissioner Thael moved and was duly seconded by Commissioner Winchester to approve Option 1: Conduct the first public hearing on the proposed ordinance amending the Environmental Management Act for Tributary and Waterbody Buffers in the Lake Lafayette Special Development Zone and direct staff to schedule the Second Public Hearing for Tuesday, December 9, 2003 at 6:00 p.m.

The following citizens appeared:

George E. Lewis, II, 203 N. Gadsden Street, #6, appeared and advised that he has some recommendations for technical changes to the proposed ordinance which he would provide to Mr. John Kranak, Environmental Compliance Director. Mr. Lewis suggested that the Board consider some policy aspects and make the following changes:

- Page 2, paragraph 6 – should be a specific date and Mr. Lewis recommended “January 1, 2004” and the same to paragraph 7
- Page 5, paragraph 6, should state “Leon County Property Appraiser’s Office” rather than “tax appraiser’s office”
- Page 5, paragraph 6, c allows for an exemption but the exemption is lost under c if the property is subjected to a rezoning or to a subdivision – the property owner would be in control of the subdivision process (with the exception of eminent domain) but he would not be in control of rezoning. Mr. Lewis suggesting inserting language to the effect that “the person does not lose the exemption unless the rezoning is sought by the owner.”

County Attorney Thiele responded that he could accomplish those changes as suggested by Mr. Lewis.

Mr. J. Lee Vause, P. O. Box 1236, Tallahassee, Florida, stated that he was here to represent the Fallschase Development. Some months ago he requested that the Board exempt Fallschase Development from the provision of the original SDZ. While the Board voted at the time to exempt Fallschase, the Board subsequently withdrew the exemption and now it is the County’s position that Fallschase must comply with the SDZ. Mr. Vause stated that it continues to be Fallschase’s position that by virtue of their vested rights and development of regional impact and PUD that Fallschase would not be subject to the provision. Mr. Vause requested that the Board allow Fallschase Development to be exempt from the SDZ. If the Board does not grant the exemption, Mr. Vause stated, for the record, that it is his position that Fallschase will not be forced to comply pursuant to the ordinance as amended tonight.

Zoe Kulakowski, 1320 Blockford Court West, suggested that the proposed ordinance was good for Lake Lafayette and that the residents have waited a long time for special protection to be promoted along the tributaries. She stated that one of the main sources of pollutants to Lake Lafayette is from properties immediately adjacent to the tributaries. Ms. Kulakowski also pointed out that the

ordinance would help the County in meeting the state and federal regulations in meeting the total maximum daily load (TMDL).

John Dew, 6527 Chevy Way, explained that Buck Lake Alliance has been following this process for several months and that the work group has met and he concurs with their recommendations.

Carlos Alvarez, 1451 Lafayette Cove Road, commended the committee for the work they have done and urged the Board to adopt the proposal before them.

Commissioner Grippa raised the following questions:

- Asked if the ordinance would affect or change the Bradfordville Sector Plan – how is it going to impact the settlements that the Board entered into in the Bradfordville area. County Attorney Thiele responded that to his knowledge it would not impact the settlements.
- Has the City done anything to help prevent water pollution; he was of the understanding that the City and the County were committed to having a joint stormwater plan. Mr. Kaynak explained that he would be meeting with the City in approximately 10 days; they will discuss volume control regulations and the County will relay to the City what the County has come up with regarding the SDZ; staff will attempt to get the City to agree to the County's buffering. Chairman Grippa wanted the City to act at the same time that the County does.

Staff engaged in discussion regarding the importance of buffering tributaries and high water line versus the 100-year flood plane.

Commissioner Thael raised the following questions:

- What is the TMDL program
- When is the County required to initiate a TMDL for Lake Lafayette
- What are the suggested benefits of the TMDL for Lake Lafayette
- Will passage of the proposed ordinance assist or aid the County in meeting the County's obligations under the TMDL program for Lake Lafayette basin and if so, how?

County Attorney Thiele explained that his office and other County staff are in the process of developing a comprehensive agenda item for January, which will explain the entire program. County Administrator Alam pointed out that this is a very involved issue and asked if the Board would rather have a workshop on the item. Chairman Sauls indicated that a workshop would be best.

Mr. Kraynak responded that it would enhance the County's position in taking the first step – reduction of nutrients that could end up in Lake Lafayette, although this is not the total solution. He added that increased stormwater standards, volume control standards, and buffers would help ensure in the future that the

County is not increasing the pollutant loadings based on the development that the County is permitting today.

Ms. Teresa Heiker, County Stormwater Engineer, explained that the TMDL that are being set include a reduction; the reduction goals will not be able to be achieved by the buffers but the buffers will provide protection as future development occurs. There is likely to be some requirement for retrofit primarily in more urbanized areas.

Mr. Thiele recommended that the Board adopt the proposed ordinance and explained that the TMDL issue may require the Board make more restrictions.

Commissioner Proctor voiced the following concerns:

- The ordinance would restrict rights of citizens along the tributary path
- Have some 5,000 notices been sent out to inform citizens that the County intends to restrict their property rights
- Was the notice in the newspaper adequate to notify 5,000 citizens that their property values would be impacted negatively
- Are the citizens aware that homes constructed would have a limited square footage
- Noted that the map in the newspaper was inadequate notice
- Indicated that Fallschase Development should be exempt

Mr. Thiele explained that the legal notice requirement has been met, but the Board could provide more if they desired to do so.

Commissioner Proctor moved a substitute motion which was seconded by Commissioner Grippa, to delay indefinitely the public hearing until a workshop is conducted on the TDMZ, and that more public input be provided.

County Attorney Thiele explained that the tributary, Lake Lafayette SDZ is mandated by the Comprehensive Plan, and the County is not in compliance until the ordinance or some portion of the ordinance is adopted.

Commissioner Rackleff suggested not waiting for the federal government with the TDML to come in and impose restrictions, that the County should get the right measure in place so when they do come in, the impact will be limited.

Commissioner Grippa stated that the Board supports doing something about the tributaries, but there are underlying issues that need to be resolved. He suggested meeting with the City on the issue and to find out what the City is going to do and then the County can react. He also would like to hear more about the TDMLs and he wanted to find out how many residential lots are undeveloped inside the subject area.

Lamar Bailey, 4475 Buck Lake Road, stated that he is here representing himself and Fallschase Development, and referenced comments made by Commissioner Proctor about notification. He stated that he did not know until today about this meeting and he is the largest property owner who would be affected by the ordinance (about one-half of his property would be affected). Mr. Bailey pointed out that the only property that is really affected by this is the property that is immediately on Lake Lafayette. Tom Brown Park and the City of Tallahassee are the major contributing factors to the pollution of the lake because there are no stormwater ponds, no filtration system, nothing but a huge concrete pipe coming down a slope at a 20 percent grade and the water comes into Lake Lafayette without any protection. According to Mr. Bailey, the entire area that is putting water into the basin should be looked at, not just the owners right around the basin. He suggested that the notice should go out to everyone that is affected.

Commissioner Proctor amended his substitute motion to conduct the first public hearing tonight and set the second public hearing for January 27 at 6:00 p.m. (The TDML workshop would be held on January 13, 2004).

Commissioner Winchester stated that he wanted more research on the notification issue and a definitive plan. He stated that 80 percent of the basin is draining into Lake Lafayette and the County is regulating approximately 20 percent of the drainage with the proposed ordinance. Commissioner Winchester suggesting working something out with Fallschase and the neighborhood and that a definitive plan could be worked out in the interim and brought back on January 27th.

Commissioner Grippa suggested approaching the City about a plant to clean up the lake and a way to alert some 5,000 to 6,000 residents around Lake Lafayette that their property rights are changing. Mr. Thiele explained that he would look at the notification issue, although it would be difficult to have an accurate list all property owners and all lots that are directly affected.

The substitute motion, as amended, carried 5 – 2 (Commissioners Thael and Rackleff voted in opposition).

23. First Public Hearing on a Proposed Ordinance Amending the Land Development Code to Address Protection of Cultural Resources

Pursuant to legal advertisement, a public hearing was conducted to adopt a proposed ordinance (Cultural Resources Ordinance) amending Leon County's Land Development Code (LDC) to better define cultural resources and to set forth protection standards for significant cultural resources.

On November 26, 2003, the Board directed staff to prepare revisions to the LDC to clarify and fully address protection of cultural resources, to specifically address graves or cemeteries as constituting protected cultural resources, and to

specifically address removal of gravestones as constituting unauthorized disturbance of protected cultural resources.

The following citizen appeared:

George E. Lewis, II, 203 N. Gadsden Street, #6, appeared and stated that a property owner has no way of knowing if they would be affected by the proposed ordinance. The ordinance deals with speculation about what might be discovered in the future, with the unknown, and with matters of taste. He also voiced the following concerns:

- Page 1, line 45 of the proposed ordinance – already a definition of Cultural resource in the EMA
- Should be deletions and some underlining in the proposed ordinance
- Page 2, line 5 – no definition or regulation for “folklife resources”
- Page 2, line 20 – ordinance does not make a determination of whether something could be eligible in the future
- Page 2, line 23 and 32 - The Board is unlawfully delegating to the Tallahassee Trust for Historic Preservation, a private entity, the ability to regulate who is covered in this
- Page 2, line 29 and 33 and other places: change the word “will” to shall”
- No regulatory impact from dealing with the registration in the National Register
- The proposed ordinance has out right prohibitions
- Suggested that the ordinance needs re-writing to make technical changes
- Proposed ordinance is overreaching
- Inadequate public notice

Commissioner Rackleff moved and was duly seconded by Commissioner Thael to approve Option 1: Conduct the first public hearing on adoption of a proposed ordinance amending the Land Development Code to address protection of Cultural Resources and direct staff to schedule the second public hearing for December 9, 2003.

Commissioner Proctor referred to page 3, line 40 regarding the ingress and egress easement required in the proposed ordinance. He wanted to know how this would apply to the Belle Aire cemetery which has an egress and ingress issue yet to be resolved and requested that Tony Park, Public Works Director, provide information. He requested definitions of “folklife resources” and “human skeletal remains.” Staff responded that the reason the ordinance came about was because of an issue over graves and burial sites were about to be developed and the Board’s direction to make sure that grave sites and human remains were to be protected. Commissioner Proctor also indicated concern that there is no process adequately provided in the ordinance for the County Administrator to make a decision regarding a cultural resource protection plan that respects dignity.

Commissioner Proctor also referred to another African-American cemetery on the

edge of Summerbrooke Subdivision which people cannot get to because it has been barred by the developer, and the ingress and egress issue has not been resolved. Commissioner Proctor requested that staff provide the two reports and determine how many graves on a site could prevent a development from being constructed.

Chairman Sauls also suggested that staff look at the issue of changing the word "will" to "shall" as suggested by Mr. Lewis. The Board also talked about who should be noticed and the method of providing notice.

The motion on the floor to approve Option 1 carried unanimously, 4/0 (Commissioners Winchester, Maloy, and Grippa were out of Chambers), amending ordinance to reflect the issues raised.

Option 1: Conduct the first public hearing on adoption of a proposed ordinance amending the Land Development Code to address protection of Cultural Resources and direct staff to schedule the second public hearing for December 9, 2003

24. First Public Hearing on a Proposed Ordinance Amending the Land Development Code's Environmental Management Act to Provide for a Redevelopment Ordinance

Pursuant to legal advertisement, a public hearing was conducted to consider adoption of a proposed redevelopment ordinance that amends Leon County's Land Development Code. The proposed ordinance provides for reduction of landscaping and rate control requirements.

The following citizen appeared:

George E. Lewis, II, 203 N. Gadsden Street #6, brought up technical issues and one substantive issue regarding the ordinance:

- Page 1, paragraph 1, line 33 – urban services area – delete "s" in the word "services"
- Page 2, paragraph b, line 29 – the word "director" should be changed to "County Administrator"
- Mr. Lewis raised the question: Should there be a length of time that the original development has been in place before the owner can take advantage of the provisions of the development ordinance? When and under what circumstances would it become economically more desirable to redevelop then to continue with the current situation? If a person has not met the existing requirements, can they convert the plan or project to a redevelopment site and get out from some of the requirements that they should have met in the original plan? Mr. Lewis indicated that if the opportunity were there, this would constitute a major loophole in the ordinance.

Commissioner Thaeli concurred with the first two minor changes suggested by Mr. Lewis and asked about possible loopholes. County Attorney Thiele explained that the owner could not get out of the original requirements and they would be required to complete their permit or start all over. John Kraynak, GEM, explained that redevelopment is for a finished project. The owner would be under enforcement action under their permit if they did not complete the permit; redevelopment is a separate process. Commissioner Proctor suggested that there be a 12-15 year sunset provision in the ordinance to allow the Board's successors to reevaluate the ordinance.

Commissioner Proctor moved and was duly seconded by Commissioner Thaeli to approve Option 1 as amended (in underline): Conduct the first public hearing to adopt the proposed Redevelopment Ordinance amending the Environmental Act as modified to have a 15-year sunset provision, and direct staff to schedule the second public hearing for December 9, 2003.

The motion carried unanimously, 5/0 (Commissioners Maloy and Winchester were out of the Chambers).

25. First Public Hearing on a Proposed Ordinance Amending the Land Development Regulations Adopting the Neighborhood Boundary Office

Pursuant to legal advertisement, a public hearing was conducted on a proposed ordinance amending the Land Development Regulations to adopt the Neighborhood Boundary Office Zoning District. This amendment implements Comprehensive Plan Text Amendment 2003-1-T-006 which created the Neighborhood Boundary Future Land Use Category.

The following citizen appeared:

George E. Lewis, II, 203 N. Gadsden Street #6, appeared and pointed out that the proposed ordinance makes reference to delegation of authority to individuals other than the County Administrator and suggested that the Zoning Code be reviewed and corrected to reflect "the County Administrator" to reflect consistency.

Wayne Tedder, Planning Department, was present to respond to the Board's inquiries.

Commissioner Grippa moved and was duly seconded by Commissioner Proctor to approve Options 1 and 2 and for staff to consider the change to "County Administrator" to reflect consistency regarding delegation of authority.

Option 1: Conduct the first public hearing on the proposed ordinance adopting the Neighborhood Boundary Office District and direct staff to schedule the second public hearing on December 9, 2003;

Option 2: Direct staff to not proceed with further work at this time on the development of the Neighborhood Boundary Commercial zoning district.

The motion carried unanimously, 5/0 (Commissioner Proctor and Winchester were out of the Chambers).

The Board then took up the Consent Agenda.

Add-On (by Commissioner Rackleff): Board Direction Regarding the City of Tallahassee's Placement of its High-Voltage Eastern Transmission Line (ETL) Through Areas of Unincorporated Leon County

The City of Tallahassee intends to build a high-voltage electric power transmission line to its substation on Welaunee Plantation to serve its new and existing customers in that area. Its routing, through the eastern unincorporated area of Leon County, appears to be problematic and the Board will need to decide if and how it wishes to intervene before the City Commission approves of the planned route (Mahan Drive).

Add-On (by Commissioner Grippa): Board Direction Regarding the City of Tallahassee's Routing and Construction of a High-Voltage Eastern Transmission Line (ETL) Through Areas of Unincorporated Leon County and the Effect of Electromagnetic Fields (EMFS) on Public Health.

Commissioner Grippa felt that the Board should have the opportunity to review additional information regarding this issue before the Board makes any recommendations to the City or takes an official position.

Commissioner Grippa stated that he would like to make a motion to follow the Board's previous recommendation which was to have staff bring back an agenda item on December 9, and for staff to use the facts that he and Commissioner Rackleff compiled, conduct an independent analysis and bring it forward, and that he write a letter to the Mayor regarding this issue. Commissioner Rackleff opined that this was not his recollection of the Board's previous direction.

Chairman Sauls noted that Commissioner Rackleff was assigned as the Board's liaison to discuss the transmission lines.

It was the consensus of the Board to hear discussion from Commissioner Rackleff and Commissioner Grippa on the transmission line. It was noted that the City plans to take up the issue on December 10th.

The following citizens appeared:

Lamar Bailey, 4475 Buck Lake Road, representing himself and Fallschase Development, encouraged the Board to take an in-depth look at the Mahan Drive route, which the City is proposing, for the transmission line. He stated that majority of citizens object to the

Mahan Road route and noted that the consultants recommended the route along the CSX railroad path. Mr. Bailey stated that the problem with Mahan Drive is that it is the major road coming into Tallahassee from the east; the overhead lines are dangerous and unattractive; and the City is attempting to save money by putting the lines overhead rather than putting them underground. He recommended that if the City makes a decision to use the Mahan Drive route, that they be encouraged to have the lines buried underground.

Commissioner Rackleff stated that City staff has talked about using the existing tree cover to shield the view of the power lines from the road. The CSX route would have to lead somewhere and Alford Arm Park was mentioned. Commissioner Rackleff pointed out that Alford Arm Park is state-owned and would probably not look kindly on parkland being used for a power line right-of-way. In addition, it would cost approximately \$5.5 million to build an overhead line and to bury it would cost \$35 million and the cost would be borne by the City rate paying customers. He suggested that tree buffers be used for overhead lines and that the height of the poles be lowered so they are not visible and that some homes closer to the power line could be purchased, which would involve five homes. Regarding the health risk, Commissioner Rackleff referred to various articles showing that extensive studies have been done. The basic finding is that there is no statistical correlation with the link to cancer to the proximity to power lines and there is no evidence that shows exposure to electro-magnetic field causes cancer in a laboratory situation.

Commissioner Grippa referred to various studies and opined that that there is proof that there is an increase in childhood leukemia for children living near power lines but it is not a consistent link. He pointed out that the risk of children living near power lines has been a public health concern since 1979 and there is more chance that women living near a high power voltage line could have breast cancer. Commissioner Grippa referred to the City's report and suggested taking science and fact over politics. He pointed out that the consultant's number one recommendation was the CSX route, number two was Buck Lake Road, and number three was Mahan Drive. Commissioner Grippa advised that permits have expired at DOT and he felt that a letter from this Board asking the secretary to not yield on any permits until the Board votes would afford the opportunity to have a frank discussion. He also suggested that there are other ways to bury the lines, which would be more cost effective. Commissioner Grippa advised that wherever there are power lines, the property value goes down and City and County revenues go down. He indicated that the City has money in electric reserve funds and the right thing to do is to bury the line to avoid any health hazard since it is affordable and the road is being improved; property values would go up; the road would be improved, and maintenance costs would go down. Commissioner Grippa recommended contacting the State about the CSX route running into Alford Arm. He stated that the County does not have enough information at this time.

Commissioner Proctor inquired about the widening of Mahan Drive and its affect on the transmission lines. Mr. Tony Park, Public Works Director, explained that when Mahan Road is built, the line would not have to be relocated; the intention is to locate the line as

close to the right of way line as it exists; presently there is a distribution line running down the right of way.

Commissioner Proctor wanted to know if the County has any authority to object to the overhead transmission lines. County Attorney Thiele responded that the County has at least a home rule authority to object and they could also raise a land use objection. His office is in the process of conducting additional research on preemption issues but it is not yet complete. Commissioner Proctor suggested that the City was taking the route that was the least expensive. Mr. Thiele advised that there is already sufficient right of way, which is the reason the City is suggesting the route.

Commissioner Thaelle stated that he does not know why CSX objected to the CSX route since it appears to be the least intrusive and he would like further explanation on this issue. Also, he suggested that alternative burial methods be considered since the proposed costs appear excessive. Since the health issues appear to be inconclusive, they should be researched further; he noted that public communication was also necessary, and the County should determine if they have any grounds to contest the City's recommended route.

Commissioner Thaelle moved and was duly seconded by Commissioner Grippa to explore further the CSX route and the burial of the transmission lines.

Commissioner Proctor asked if the motion could include a cost benefit analysis of how quickly the City would recover from the cost to bury the transmission. He opined that if the line is buried and the City recovers millions of dollars per annum, there should be no issue with the cost and the line would pay for itself. He indicated that he rather err on the side of caution as it relates to safety issues.

Commissioner Grippa referred to Commissioner Rackleff's report, which suggests that the Board raise another issue to the City. The City's additional power needs could be obtained from existing power lines that may be available to the east. This would constitute a shorter and more direct route rather than bringing it from downtown easterly adjacent to neighborhoods, through long and expensive rural areas to its destination in northeast Tallahassee. He noted that there are other routes that should be considered. Commissioner Grippa suggested that property values would decline when they are located near high-pressure lines.

Commissioner Grippa suggested that the motion include alternative trenching and to consider maintenance costs as it relates to wind storms, hurricanes, death and electrocution as it compares to a buried line. Commissioner Rackleff responded that the City estimates that the savings of maintenance costs for overhead cable is approximately \$5,800 per mile annually since the lines are up high enough so they are not affected by tree lines.

Commissioner Rackleff stated that he would accept the motion on the floor with the friendly amendments made by Commissioner Grippa.

Commissioner Proctor stated that it appears to him that with the high pressure lines being constructed in the subject area, the City may be anticipating intense growth which the County is not aware of. Commissioner Rackleff responded that the City advised him that the line would directly serve Welaunee area and much of the surrounding area, which is currently being serviced by existing lines. The City is concerned that the existing transmission lines are reaching the limits of their capacity – the new lines would reduce the load on existing transmission lines particularly in the northeast where there is a great deal of growth taking place.

Commissioner Grippa asked that information be brought back about the amount of wildlife/birds that die due to the overhead transmission lines. He stated that he opposed the increase in City electric rates and pointed out that the City took out \$1.2 million for rate stabilization and they have \$73 million left in reserve. He supplied the written information to staff.

Commissioner Proctor suggested that a citizens utility review board is needed so that citizens can participate in the process. He indicated the need for a public service commission in Tallahassee, so utility bills could be reviewed, and policy direction can be given on utilities by an entity that is not associated with the City. Commissioner Proctor suggested that the Chairman discuss the issue with the Mayor and that it be brought up at the Board's annual retreat. Chairman Sauls suggested that it first be discussed at the retreat.

Commissioner Grippa asked the City if they are notifying neighborhoods around the subject area – it appears there is not much public information. This is a City project but it involves County residents as well. County Attorney Thiele stated that notifying CONA would be advisable and then the neighborhood association presidents would be advised.

Chairman Sauls clarified that the motion on the floor included the following direction to staff:

- Explore further the CSX route
- Burial of the transmission lines
- Review of the routes
- Investigate alternate burial routes
- Check into trenching
- Determine if FDOT permits have expired
- Determine if wildlife is affected by overhead lines
- Determine if property value is affected when living near a overhead transmission line
- Notify neighborhoods through CONA
- Bring the issue of a utility review board at the Board's Retreat

The motion on the floor carried unanimously, 6/0 (Commissioner Winchester was out of Chambers). The County Attorney would bring back this information back to the Board on December 9, 2003. Commissioner Rackleff suggested sending a letter to the City about the Board's action so that they can respond. County Administrator Alam explained

that the Chairman had already sent a letter based on the Board's action at the last meeting. Based on the direction received tonight, Mr. Alam recommended sending another letter to the City Commission outlining the Board's concerns discussed tonight and request that they delay action regarding the transmission line route at their meeting of December 10, 2003; then a detailed report would be brought back to the County Commission on January 13, 2004. It was noted that the information on the State permit issue could be sent to the Board sooner, through email or memorandum, if possible.

Citizens to Be Heard

- a. Dorothy Spence, 3982 Chaires Cross Road, requested that staff consider providing a four-way stop sign at the intersection of Chaires Cross Road and Buck Lake Road/ Capitala Road; there is a two-way stop but a four-way stop is needed. Staff was directed to investigate the issue.
- b. Noted that the Community Center Board attendance was on the agenda tonight and explained that all the members are aware that the meetings are conducted on the second Wednesday of each month at 7:00 p.m. She explained that one of the member's wife is very ill which is the reason the member could not attend. Chairman Sauls advised Mrs. Spence that two new appointments were made and hopefully there would be adequate attendance in the future.

Discussion Items by Commissioners

Commissioner Thael

- a. Commissioner Thael requested that the Board allow staff to work with Rabbi Schneur Z. Oriechnman of the Chabad Center of Tallahassee, to develop a holiday Menorah display for the Courthouse, one that is similar to what the City and the State has, and to do as much as the County can do according to law. He stated that the County Attorney has advised what the County can do legally and he suggested that staff work within the boundaries of the County Attorney's analysis. If Chabad has to pay for it and if the display has to be placed outside, then staff should work with them. Commissioner Thael indicated that it was important to include those citizens that have approached the Board regarding this issue and suggested that staff move on this as soon as possible. County Attorney explained that as long as the County does not use public funds for the display and as long as the County designates an area where the display can be placed, then it is within the parameters of the Supreme Court's decision.
- b. Reported that there is a group of citizens organizing a letter-writing campaign by public officials in support of Sergeant Claude Sturm, a life-long resident of Leon County. Sergeant Sturm gave up a comfortable recruiting job to volunteer with the Army's 82nd Airborne Division in Iraq. Commissioner Grippa recommended, in lieu of letters, to send a resolution to Sergeant Sturm in Iraq. The Board concurred.

- b. Advised that he participated this past week at the Florida Association of Counties (FAC) Legislative Conference in Palm Beach, Florida and that Commissioner Maloy also participated. The conference was collegial and a lot of issues, which had percolated over the years between small, rural, and larger counties, have largely been resolved. All the Florida counties were walking in support of the legislative priorities, the first one being Article V reform. The legislative report will be published this week and will be distributed to each Commissioner.

Commissioner Rackleff:

Advised that he circulated a memo about the update on the natural gas gate station at Chaires. He expects to hear from City staff in about one week on improving the safety and the feasibility of moving it to another location.

Commissioner Proctor

- a. Extended congratulations to Craphonso Thorpe and other football players who made the ACC first team.
- c. Commissioner Proctor moved, duly seconded by Commissioner Maloy and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), that staff bring back an agenda item on December 9, 2003 regarding financial support for the Frenchtown Christmas event for children.

Commissioner Grippa

- a. Noted that the City has done a cost analysis on the Parks and Recreation differential fee and have come up with the figure of \$125,000. Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to agenda for December 9, 2003, the differential fee for Parks and Recreation for unincorporated residents.
- c. Requested that staff consider putting two signs on Highway 319 on either side of Chiles High School celebrating Chiles High School Boys Track and Field Championship. Staff will contact FDOT for permission to install the sign.
- d. Requested resolutions for Sandra and Sean Nyberg, and Margot Phillipo for being good Samaritans and stopping to help Kris McElhenny, when he was in a fatal motorcycle accident.
- e. Commissioner Grippa moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Winchester was out of Chambers), to bring back as an agenda item regarding the developer's fee for the installation of a turn lane on Tekesta Boulevard.

- f. Requested that staff look into issuing an RFP for Flex Account benefits and other benefits for the 2004/2005 year.
- g. Requested that staff consider initiating a five-minute speaker rule at Commission meetings and bring back an agenda item.

There being no further business to come before the Board, the meeting was adjourned at 10:25 p.m.

APPROVED: _____
Jane Sauls
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court